

7/13/01
SIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HAROLD HARLAN BRESSLER,

CIVIL ACTION NO. 1:CV-01-1205

Plaintiff

(Judge Caldwell)

v.

(Magistrate Judge Blewitt)

HEAD OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants

FILED
SCRANTON

JUL 13 2001

PER
DEPUTY CLERK

REPORT AND RECOMMENDATION

On June 28, 2001, the Plaintiff filed the instant action complaining of conditions to which he was subjected while incarcerated at the Clinton County Prison. A standing practice order was issued on June 29, 2001, and forwarded to the Plaintiff at his last known address. (Doc. 2). Thereafter, on July 6, 2001, an Administrative Order was issued directing the Plaintiff to file either the appropriate motion to proceed *in forma pauperis* or the necessary filing fee, as the complaint was accompanied by neither. (Doc. 3). However, on July 9, 2001, the standing practice order was returned as undeliverable. (Doc. 4). The prison was contacted, and the Court was informed that the Plaintiff was released on March 10, 2000. The Plaintiff has not left a forwarding address and has not contacted the court since that date to further the prosecution of this action. It will therefore be recommended that the matter be dismissed for failure to prosecute.

Based on the foregoing, it is respectfully recommended that the complaint in this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.



THOMAS M. BLEWITT
United States Magistrate Judge

Dated: July 13, 2001

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HAROLD HARLAN BRESSLER,	:	CIVIL NO. 1:CV-01-1205
	:	
Plaintiff	:	
	:	(Judge Caldwell)
v.	:	
	:	(Magistrate Judge Blewitt)
HEAD OF PENNSYLVANIA	:	
DEPARTMENT OF CORRECTIONS,	:	
et al.,	:	
	:	
Defendants	:	

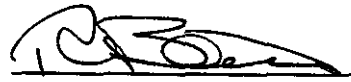
NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing
Report and Recommendation dated July 13, 2001.

Any party may obtain a review of the Report and Recommendation pursuant to
Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within ten (10) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the

magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

A handwritten signature in black ink, appearing to read 'T. M. Blewitt', written over a horizontal line.

THOMAS M. BLEWITT
United States Magistrate Judge

Dated: July 13, 2001

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

July 13, 2001

Re: 1:01-cv-01205 Bressler v. Head of PA Dept Corr

True and correct copies of the attached were mailed by the clerk
to the following:

Harold Harlan Bressler
CLINTON COUNTY PRISON
99-1189
Rte 220 McElhattan Exit
Lockhaven, PA 17748

cc:

Judge	()	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: 7/13/01

BY: 
Deputy Clerk